

BALLOT ACCESS LIMITS

Hypothetical Impact on the Idaho Legislature

(Assumes re-election of nonretiring current members of the Legislature.)

BOTH CHAMBERS		
Year Ballot Access Denied	Number of Affected Legislators	%
2004	47	45%
2006	5	5%
2008	20	19%
2010	33	31%

SENATE		
Access Denied	Year Ballot Affected Legislators	Number of %
2004	14	40%
2006	2	6%
2008	6	17%
2010	13	37%

HOUSE of REPRESENTATIVES		
Year Ballot Access Denied	Number of Affected Legislators	%
2004	33	47%
2006	3	4%
2008	14	20%
2010	20	29%

History of Idaho's Ballot Access Limitation Law "Term Limits"

In 1994, a citizens' initiative establishing "term limits" for elected state, county, municipal and school district officials was adopted.

In August 2000, an Idaho 6th District Court judge granted summary judgment, siding with a group of plaintiffs (made up of school district, city and county elected officials) who brought a lawsuit challenging Idaho's "term limits" as unconstitutional. The District Court ruling was appealed to the state Supreme Court. In December 2001, the Supreme Court reversed the district court's order granting summary judgment and held that Idaho's "term limits" law did not violate the Idaho or United States constitutions.

The Legislature then repealed Idaho's "term limits" law with H425. That bill was vetoed by the governor, but the veto was overridden by the Legislature. The repeal was effective February 1, 2002.

Subsequently, the Idaho Supreme Court heard a case challenging the constitutionality and effective date of H425. The Supreme Court ruled against the petitioners' on both grounds.

Proposition 2 garnered enough signatures to appear on the 2002 general election ballot as a referendum to approve or reject H425.